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Counsel to the Debtors and  
 Debtors in Possession

IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE EASTERN DISTRICT OF VIRGINIA  
 RICHMOND DIVISION

- - - - - x  
 In re: : Chapter 11  
 :  
 CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)  
et al., :  
 :  
 Debtors. : Jointly Administered  
 - - - - - x

**DEBTORS' MOTION FOR ORDER SHORTENING NOTICE PERIOD  
 AND LIMITING NOTICE OF DEBTORS' MOTION FOR ENTRY OF  
 AN ORDER IMPLEMENTING A PROCEDURAL PROTOCOL FOR THE  
 ADMINISTRATION OF CROSS-BORDER INSOLVENCY PROCEEDINGS**

The debtors and debtors in possession in the  
 above-captioned jointly administered cases (collectively,  
 the "Debtors")<sup>1</sup> hereby move this Court (the "Motion to

<sup>1</sup> The Debtors and the last four digits of their respective taxpayer  
 identification numbers are as follows: Circuit City Stores, Inc.

(cont'd)

Shorten Notice") for an order under section 102 of title 11 of the United States Code (the "Bankruptcy Code") and Rules 2002, 9006 and 9007 of the Federal Rules of Bankruptcy Procedures (the "Bankruptcy Rules") approving shortened and limited notice for Debtors' Motion for Entry of an Order Implementing a Procedural Protocol for the Administration of Cross-Border Insolvency Proceedings (the "Procedural Protocol Motion"). In support of the Motion to Shorten Notice, the Debtors respectfully represent as follows:

#### **JURISDICTION AND VENUE**

1. This Court has jurisdiction to consider this Motion to Shorten Notice under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and this Motion to Shorten Notice in this District is proper under 28 U.S.C. §§ 1408 and 1409.

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*(cont'd from previous page)*

(3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky Venture Corp. (0311), PRAHS, INC. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512). The address for the Debtors is 4951 Lake Brook Drive, Suite #500, Glen Allen, VA 23060.

2. The statutory predicates for the relief requested herein are Bankruptcy Code section 102 and Bankruptcy Rules 2002, 9006 and 9007.

#### **BACKGROUND**

3. On November 10, 2008 (the "Petition Date"), the Debtors filed voluntary petitions in this Court for relief under chapter 11 of the Bankruptcy Code.

4. The Debtors continue as debtors in possession pursuant to Bankruptcy Code sections 1107 and 1108.

5. On November 12, 2008, the Office of the United States Trustee for the Eastern District of Virginia appointed a statutory committee of unsecured creditors (the "Creditors' Committee"). To date, no trustee or examiner has been appointed in these chapter 11 cases.

6. On January 16, 2009, the Court authorized the Debtors, among other things, to conduct going out of business sales at the Debtors' remaining 567 stores pursuant to an agency agreement (the "Agency Agreement") between the Debtors and a joint venture, as agent (the "Agent"). On January 17, 2009, the Agent commenced going out of business sales pursuant to the Agency Agreement at the Debtors' remaining stores. On or about March 8, 2009, the going out of business sales concluded.

7. On September 24, 2009 the Court entered an Order Approving (I) Disclosure Statement (the "Disclosure Statement"), (II) Notice of the Disclosure Statement Hearing, (III) Hearing Date to Consider Confirmation of the Plan, (IV) Procedures for Filing Objections to Plan, (V) Voting Agent and Deadlines Related to Solicitation and Confirmation, (VI) Procedures with Respect to Certain Claims and (VII) Solicitation Procedures for Confirmation of the Plan (Docket No. 5090).

8. The hearing on confirmation of the First Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and Its Affiliated Debtors and Debtors in Possession and Its Official Committee of Creditors Holding General Unsecured Claims (the "Plan") is currently scheduled to commence on May 11, 2010 at 10:00 a.m. (Eastern).

**RELIEF REQUESTED**

9. By this Motion to Shorten Notice, the Debtors request entry of an order shortening the notice period and limiting notice of the Procedural Protocol Motion so that it can be heard, considered and ruled upon by the Court at a previously scheduled omnibus hearing on April 29, 2010.

**BASIS FOR RELIEF**

10. Concurrently herewith, the Debtors filed the Procedural Protocol Motion. The Procedural Protocol Motion seeks an order approving and implementing a protocol (the "Protocol") for expedited coordination and to, among other things, establish a clear framework of general principles that will govern the cross-border administration of these chapter 11 cases and address certain key issues that may arise during the dual insolvency proceedings in the United States and Canada (the "Insolvency Proceedings") with respect to any surplus distribution from the Canadian Debtors to the U.S. Debtors.

11. The Debtors believe it is in the best interest of the Debtors' estates, their creditors, and other parties in interest for the Procedural Protocol Motion to be heard at the hearing on April 29, 2010 at 2:00 p.m. (Eastern) because the approval of the Procedural Protocol Motion will facilitate the coordination of the Insolvency Proceedings. Moreover, the Ontario Superior Court of Justice (Commercial List) (the "Canadian Court") approved the Protocol on April 26, 2010.

12. Considering that the Canadian Court has already approved the Protocol, the relief sought in the

Procedural Protocol Motion is purely procedural in nature and no prejudice will result to the Debtors' estates, their creditors, or any other parties. Additionally, the Debtors have consulted with the Creditors' Committee who has advised the Debtors that it consents to the relief requested in the Procedural Protocol Motion and the Motion to Shorten Notice, the relief sought in the Motion to Shorten Notice is appropriate. Furthermore, a copy of the Protocol has been provided to the United States Trustee.

13. Notice of this Motion to Shorten Notice is being provided to parties-in-interest in accordance with the Court's Supplemental Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and Administrative Procedures (Docket No. 6208) (the "Case Management Order"). In light of the nature of the relief requested, the Debtors respectfully submit that no further notice is necessary.

**WAIVER OF MEMORANDUM OF LAW**

14. Pursuant to Local Bankruptcy Rule 9013-1(G), and because there are no novel issues of law presented in the Motion to Shorten Notice and all applicable authority is set forth in the Motion to Shorten Notice, the Debtors

request that the requirement that all motions be accompanied by a separate memorandum of law be waived.

**NO PRIOR REQUEST**

15. No previous request for the relief sought herein has been made to this Court or any other court.

**CONCLUSION**

WHEREFORE, the Debtors respectfully request that the Court (i) enter an Order, substantially in the form annexed hereto, granting the relief requested herein, and (ii) such other and further relief as may be just and proper.

Dated: April 29, 2010  
Richmond, Virginia

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Counsel for Debtors and Debtors  
in Possession



[Proposed Order]

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**ORDER GRANTING DEBTORS' MOTION FOR ORDER SHORTENING NOTICE  
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 OF AN ORDER IMPLEMENTING A PROCEDURAL PROTOCOL FOR THE  
ADMINISTRATION OF CROSS-BORDER INSOLVENCY PROCEEDINGS**

Upon consideration of the Debtors' Motion for Order  
 Shortening Notice Period and Limiting Notice (the "Motion to  
 Shorten Notice") of Debtors' Motion for Entry of an Order  
 Implementing a Procedural Protocol for the Administration of

Cross-Border Insolvency Proceedings (the "Procedural Protocol Motion"); and the Court having reviewed the Motion to Shorten Notice; and the Court having determined that the relief requested in the Motion to Shorten Notice is in the best interests of the Debtors, their estates, their creditors, and other parties in interest; and it appearing that proper and adequate notice of the Motion to Shorten Notice has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

**ORDERED, ADJUDGED, AND DECREED that:**

1. The Motion to Shorten Notice is GRANTED.
2. Notice of the Procedural Protocol Motion is shortened so that it may be heard, considered and ruled upon by the Court at a hearing on April 29, 2010 at 2:00 p.m. (Eastern).
3. Notice of the Procedural Protocol Motion is limited to the parties as set forth in the Motion to Shorten Notice.
4. This Court will retain jurisdiction with respect to any dispute concerning the relief granted hereunder.

Dated: Richmond, Virginia  
\_\_\_\_\_, 2010

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UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

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Counsel to the Debtors and Debtors in Possession

**CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)**

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Douglas M. Foley

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